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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JORGE A. PANTOJA,

Petitioner,

v.

K. PROSPER, Warden,

Respondent.

C 07-3572 CRB (PR)

**DECLARATION OF
COUNSEL IN SUPPORT OF
APPLICATION FOR
EXTENSION OF TIME TO
FILE ANSWER TO
PETITION FOR WRIT OF
HABEAS CORPUS**

SHARON G. BIRENBAUM declares under penalty of perjury as follows:

1. I am a Deputy Attorney General for the State of California and am responsible for the preparation and filing of an answer to the Petition for Writ of Habeas Corpus.

2. On November 15, 2007, this Court filed the Order to Show Cause, which requires respondent to file an answer and relevant trial transcripts within 60 days. Our office received one 62-day time extension, and the answer is due on March 17, 2008.

3. Petitioner was convicted of second degree murder, and sentenced to a prison term of 16 years to life. The California Court of Appeal affirmed the conviction, and the California

1 Supreme Court denied review.

2 4. Since receiving the time extension, I filed respondent's briefs in state court in
3 *People v. Monteverde*, H031351, *People v. Anderson*, H031106, *People v. Rosales*, A117266,
4 and *People v. Vasquez*, H031781. I also had to prepare for oral argument in *People v.*
5 *Satterfield*, H030305.

6 5. Before I can turn my attention to the instant case, I must file respondent's brief in
7 state court in *People v. Chandler*, A114037, which has a voluminous record and in which
8 defendant raises numerous issues on appeal. The defendant in *Chandler* filed her opening brief
9 before this Court's order to show cause issued.

10 6. The state file in this case consists of about 825 pages of reporter's transcripts and
11 215 pages of clerk's transcripts, plus pleadings, orders, and other materials. I must review this
12 material in order to fully respond to the petition.

13 7. I have not contacted petitioner. He is representing himself and is currently
14 incarcerated in state prison.

15 I declare under penalty of perjury that the foregoing is true and correct. Executed at
16 San Francisco, California on March 4, 2008.

17
18 /s/ Sharon G. Birenbaum
19 SHARON G. BIRENBAUM
20 Deputy Attorney General

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